UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/825,383	04/02/2001	Paul A. Smethers	3399P033	1634

7590 10/05/2005	EXAMINER

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ART UNIT	PAPER NUMBER
2179	

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Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	09/825,383	SMETHERS ET AL.
	Examiner	Art Unit	
	Mylinh Tran	2179	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>01 July 2005</u>.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>40-81</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>40-81</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

The term "wherein the control may be edited " in claim 56, 60, 69 and 78 is a relative term which renders the claim indefinite. The term " wherein the control may be edited " is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 40, 43, 47, 50, 51 and 54 are rejected under 35 U.S.C. 103(a) as being unpatentable over Beaudet et al. [US. 5,689,668].

As to claims 40, 47 and 51, Beaudet et al. disclose a processor; a display; and a storage device having a browser stored therein, which when executed by the processor: displays a plurality of menu selections in a multiple level hierarchical menu on the display (column 2, lines 60-67, "plurality of selection levels in a menu hierarchy"); places one of the menu selections to enable editing of the menu selection (controls) by a user

(column 2, lines 60-67, "a second zone having contents comprising a displayed list of selection options for one of the selection levels in the menu hierarchy"); receives a user input for editing said one of the controls and in response to a single user input indicating that editing of said one of the controls is complete, automatically places a next one off the controls in an editable mode without requiring additional user input (column 3, lines 23-37, "In response to entry of an option from the displayed list of selection options, the displayed list of selection options in the second zone is replaced with a second list of selection options for a different selection level in the menu hierarchy".); wherein at least one of the items other than the selected item is located between the selected item and said next one of the controls on the display (column 3, lines 1-37).

Beaudet et al fail to clearly teach user editable controls. However, level 1 choice A, B, C....can be selectable parameter controls which can be edited. It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to combine Beaudet's plurality of controls with Beaudet's teaching. Motivation would have been to improve visualization and to increase the performance of the device.

As to claims 43, 50 and 54, Beaudet et al. disclose next one of the controls being the control which is located closest to said one of the controls on the display (column 3, lines 1-35).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a

person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 41, 44-46, 48 and 52 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Beaudet et al. [US. 5,689,668] in view of De Boor et al. [US.

2004/0093376].

As to claim 41, Beaudet fails to clearly teach if said next one of the controls is not

currently visible on the display when said single user input is received, the display is

automatically scrolled to place said next one of the controls in view in the editable mode

in response to said single user input. However, De Boor et al. show the feature at page

18, 0321-0322). It would have been obvious to one of ordinary skill in the art, at the time

the invention was made, to combine De Boor's plurality of controls with Beaudet's

teaching. Motivation would have been to improve visualization and to increase the

performance of the device.

As to claim 44, Beaudet et al. disclose a processor; a display; and a storage device

having a browser stored therein, which when executed by the processor: displays a

plurality of user-editable controls on the display (column 2, lines 60-67, "plurality of

selection levels in a menu hierarchy"); places one of the controls in an editable mode to

enable editing of the control by a user (column 2, lines 60-67, "a second zone having

contents comprising a displayed list of selection options for one of the selection levels in

the menu hierarchy"); receives a user input for editing said one of the controls and in

response to a single user input indicating that editing of said one of the controls is

complete, automatically places a next one off the controls in an editable mode without

requiring additional user input (column 3, lines 23-37, "In response to entry of an option

from the displayed list of selection options, the displayed list of selection options in the

second zone is replaced with a second list of selection options for a different selection level in the menu hierarchy".); at least one of the items other than the selected item is located between the selected item and said next one of the controls on the display, such that in response to the user input selecting said one of the items, the browser directly selects said next one of the controls for editing without first selecting any of the others of said items (column 3, lines 1-35).

Beaudet fails to clearly teach if said next one of the controls is not currently visible on the display when said single user input is received, the display is automatically scrolled to place said next one of the controls in view in the editable mode in response to said single user input. However, De Boor et al. show the feature at page 18, 0321-0322). It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to combine De Boor's plurality of controls with Beaudet's teaching. Motivation would have been to improve visualization and to increase the performance of the device.

As to claims 48 and 52, Beaudet fails to clearly teach if said next one of the controls is not currently visible on the display when said single user input is received, the display is automatically scrolled to place said next one of the controls in view in the editable mode in response to said single user input. However, De Boor et al. show the feature at page 18, 0321-0322). It would have been obvious to one of ordinary skill in the art, at the time the invention was made to combine De Boor's plurality of controls with Beaudet's teaching. Motivation would have been to improve visualization and to increase the performance of the device.

As to claim 46, Beaudet et al. disclose next one of the controls being the control which is located closest to said one of the controls on the display (column 3, lines 1-35).

As to claim 45, Beaudet in view of De Boor et al. fail to clearly teach plurality of radio

buttons instead of plurality of selection levels in a menu hierarchy. However, official

notice is taken that implementation of selecting of the radio button was well known in

the art, at the time the invention was made, to combine the well known implementation

of selecting of the radio button with Beaudet and De Boor's teachings. Motivation of the

combination would have been to provide design choices for the users.

Claims 42, 49 and 53 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Beaudet et al. [US. 5,689,668].

As to claims 42, 49 and 53, Beaudet et al. displays a plurality of user-editable controls

on the display (column 2, lines 60-67, "plurality of selection levels in a menu hierarchy");

places one of the controls in an editable mode to enable editing of the control by a user

(column 2, lines 60-67, "a second zone having contents comprising a displayed list of

selection options for one of the selection levels in the menu hierarchy"); at least one of

the plurality of controls being located on the display between the selected control and

said next one of the controls (column 3, lines 1-36);

receives a user input for editing said one of the controls and in response to a single

user input indicating that editing of said one of the controls is complete, automatically

places a next one of the controls in an editable mode without requiring additional user

input (column 3, lines 23-37, "In response to entry of an option from the displayed list of

selection options, the displayed list of selection options in the second zone is replaced

with a second list of selection options for a different selection level in the menu

hierarchy".).

Beaudet et al. fail to clearly teach plurality of radio buttons instead of plurality of

selection levels in a menu hierarchy. However, official notice is taken that

implementation of selecting of the radio button was well known in the art, at the time the

invention was made, to combine the well known implementation of selecting of the radio

button with Beaudet's teaching. Motivation of the combination would have been to

provide design choices for the users.

Claims 55-81 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Beaudet et al. [US. 5,689,668].

As to claims 55 and 60-61, 64, 70, 73, 79 Beaudet et al. teach a processor; a display;

and a storage device having a browser stored therein, which when executed by the

processor: displays a plurality of user-editable controls on the display (column 2, lines

60-67, "plurality of selection levels in a menu hierarchy"); places one of the controls in

an editable mode to enable editing of the control by a user (column 2, lines 60-67, "a

second zone having contents comprising a displayed list of selection options for one of

the selection levels in the menu hierarchy"); receives a user input for editing said one of

the controls and in response to a single user input indicating that editing of said one of

the controls is complete, automatically places a next one off the controls in an editable

mode without requiring additional user input (column 3, lines 23-37, "In response to

entry of an option from the displayed list of selection options, the displayed list of

selection options in the second zone is replaced with a second list of selection options

for a different selection level in the menu hierarchy".); wherein at least one of the items

other the selected item is located between the selected item and said next one of the

controls on the display (column 3, lines 1-37).

Beaudet et al. fail to clearly teach displays a plurality of softkeys on the display concurrently with displaying any of the user-editable controls, wherein a first-sofikey is operable to place any of the controls in an editing mode, wherein a second softkey is operable to display menu when any of the controls is in an editing mode, and wherein the content of the menu varies according to which of the controls is currently in an editing mode. Instead, Beaudet et al. show plurality of buttons which are operable to display different selection level in the menu hierarchy. However, official notice is taken that implementation of displaying softkeys was well known in the computer art, at the time the invention was made, to combine the well known implementation of displaying softkeys with Beaudet's teaching. Motivation of the combination would have been to save the computer screen space.

As to claims 56, 65,74 Beaudet et al. teach displays a plurality of user-editable controls on the display (column 2, lines 60-67, "plurality of selection levels in a menu hierarchy"); places one of the controls in an editable mode to enable editing of the control by a user (column 2, lines 60-67, "a second zone having contents comprising a displayed list of selection options for one of the selection levels in the menu hierarchy"). Beaudet et al. fail to clearly teach the plurality of editing modes including a text input mode, a numerical input mode, and a symbol input mode.

However, official notice is taken that implementation of plurality of editing modes was well known in the computer art, at the time the invention was made, to combine the well known implementation of plurality of editing modes with Beaudet's teaching. Motivation of the combination would have been to improve the system performance.

As to claims 57, 66, 75 In light of rejection of plurality of editing modes, official notice is taken that implementation of "plurality of items that are selectable to allow the user to

switch between the plurality of editing modes" was well known in the computer art, at the time the invention was made, to combine the well known implementation with Beaudet's teaching. Motivation of the combination would have been to improve the system performance.

As to claims 58-59, 62-63, 67-68, 71-72, 76-77 and 80-81, In light of rejection of plurality of editing modes, official notice is taken that implementation of "the second softkey visually indicating which of the plurality of editing modes is currently selected" was well known in the computer art, at the time the invention was made, to combine the well known implementation with Beaudet's teaching. Motivation of the combination would have been to improve the system performance.

As to claims 69 and 78, the claim is analyzed as previously discussed with respect to claims 55-56.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mylinh Tran. The examiner can normally be reached on Mon - Thu from 7:00AM to 3:00PM at 571-272-4141.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo, can be reached at 571-272-4847.

The fax phone numbers for the organization where this application or proceeding is assigned are as follows:

571-273-8300

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Mylinh Tran

Art Unit 2179

WEILUN LO
SUPERVISORY PATENT EXAMINER